



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 180
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,924	08/22/2001	Brian R. Beams	05222.00184	9686

29638 7590 02/10/2006

BANNER & WITCOFF AND ATTORNEYS FOR ACCENTURE
10 S. WACKER DRIVE, 30TH FLOOR
CHICAGO, IL 60606

EXAMINER

SALAD, ABDULLAHI ELM I

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,924

Applicant(s)

BEAMS ET AL.

Examiner

Salad E. Abdullahi

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 and 58-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 and 58-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. The amendment filed on 11/10/2005 has been received and made of record.

2. Applicant's argument with respect to claims 1-38 and 58-76 have been fully considered but are not persuasive for the following reasons.

(A) Applicant alleges Stephens fails to teach "selecting a second destination within server to interact with one or more users".

Examiner respectfully disagrees, because Stephens discloses modules such application programs 134 data acquisition module 108 and a coursework library 132, are destination with the server system 100 where users interact (see fig.1 and col. 5, line 40 to col. 6, line 31).

Portion of these section is shown here "the Internet site 110 includes a coursework library 132, application programs 134 and experimental data storage space 136. The coursework library 132 contains academic course materials and related experiments for a plurality of laboratory-based topics. The storage space 136 can store experimental data received from data acquisition module 108. The application programs 134 include programs for enabling instructors to select particular materials and related laboratory experiments to be included in an academic course of study. The application programs 134 also include programs for enabling students to access the course material in a self-directed manner; participate in experiments conducted at remotely located laboratories; analyze experimental data in real-time with respect to when an experiment is performed; and perform simulations on experimental data previously stored in storage space 136. The application programs 134 also include programs for enabling an instructor to design an Internet web page, through which students can access the selected course materials and related laboratories, along with the application programs 134. As those skilled in the art will appreciate, references to Internet sites are logical references rather than physical references. Likewise, references to Internet storage locations are also references to logical locations rather than physical locations. Physical storage of information resides on an Internet server".

(B) applicant furthermore, alleges "Herz does not suggest anything about teacher load balancing or adding second virtual instructor".

Examiner respectfully disagrees, because Herz discloses the system will recommend the most appropriate on-line lecture either involving a virtual tutor where the student may receive a recommendation of the name of the most skilled or experienced faculty or student recommended tutor (that is adding virtual tutors as needed basis on the student needs)(see col. 94, lines 47-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels et al., U. S. Patent No. 5,310,349[hereinafter Daniels] in view of Stephens et al., U.S. Patent No. 6,261,103[hereinafter Stephens].

As per claims 1, Daniels disclose a method for establishing virtual consultant (virtual teacher), comprising the steps:

- (a) connecting a server and one or more users (see col. 3, lines 15-40 and col. 4, lines 19-50 and col. 6, lines 37-64);
- (b) selecting a first destination (class room 28) within the server to interact with one or more users (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50);

Art Unit: 2157

- (c) coupling the one or more users through the server based on the first destination (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50); and
- (d) establishing interaction parameters (providing support functions) for the one or users based on the selected destination (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50).

Daniels does not explicitly disclose: selecting a second destination to interact with the one or more users and modifying the interaction parameters for the one or more users in accordance with second destination.

Stephens discloses an interactive multimedia system for enabling students, teachers And administrators to interactive including selecting a second destination and (i.e., Student home to interact with the one or more users) (see figs 10 and 11 and col. 17, lines 31-67). Therefore, it would have been obvious to having ordinary skill in art at the time of the invention to incorporate the teachings of Stephens into the system of Daniels in order to effectively provide an automated teaching on remotely located students/users.

In considering claim 2, Daniels disclose a method for establishing a virtual consultant as recited in claim 1, wherein the first and second destinations include locations such as reception area (school map 20), where users can interact using collaborative functions of the system (see fig. 4, element 26, 30 and 40).

Art Unit: 2157

In considering claim 3, Daniels disclose a method for establishing a virtual consultant as recited in claim 1, wherein the first and second destinations include locations such as reception area, library, an office or a lounge where users can interact using collaborative functions of the system (see fig. 4, element 26, 30 and 40).

In considering claim 4, Daniels disclose a method for establishing a virtual consultant as recited in claim 1, wherein the first and second destinations include locations such as reception area, library, an office or a lounge where users can interact using collaborative functions of the system (see fig. 4, element 26, 30 and 40).

In considering claim 5, Daniels disclose a method for establishing a virtual consultant as recited in claim 1, wherein the first and second destinations include locations such as reception area, library, an office or a lounge where users can interact using collaborative functions of the system (see fig. 4, element 26, 30 and 40).

In considering claim 6, Daniels disclose a method for establishing a virtual consultant as recited in claim 1, wherein interaction parameters include support for collaboration, support for bulletin board, support for recording functions and support for electronic distribution (see fig. 4, element 44).

In considering claim 7, Daniels disclose a method for establishing a virtual consultant as recited in claim 1, wherein interaction parameters include support for collaboration,

Art Unit: 2157

support for bulletin board, support for recording functions and support for electronic distribution (see fig. 4, element 44).

In considering claim 8, Daniels disclose a method for establishing a virtual consultant as recited in claim 1, wherein interaction parameters include support for collaboration, support for bulletin board, support for recording functions and support for electronic distribution (see fig. 4, element 44).

In considering claim 9, Daniels disclose a method for establishing a virtual consultant as recited in claim 1, wherein interaction parameters include support for collaboration, support for bulletin board, support for recording functions and support for electronic distribution (see fig. 4, element 44).

As per claim 10, Daniels disclose an apparatus discloses for establishing virtual consultant (virtual teacher), comprising the steps:

- (a) logic that connects a server and one or more users (see col. 3, lines 15-40 and col. 4, lines 19-50 and col. 6, lines 37-64);
- (b) logic that selects a first destination (class room 28) within the server to interact with one or more users (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50);
- (c) logic that couples the one or more users through the server based on the first destination (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50); and

Art Unit: 2157

- (d) logic that establishes interaction parameters (providing support functions) for the one or users based on the selected destination (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50).

Daniels does not explicitly disclose: selecting a second destination to interact with the one or more users and modifying the interaction parameters for the one or more users in accordance with second destination

Stephen discloses an interactive multimedia system for enabling students, teachers and administrators to interactive including selecting a second destination and (i.e., student home to interact with the one or more users (see figs 10 and 11 and col. 17, lines 31 67). Therefore, it would have been obvious to having ordinary skill in art at the time of the invention to incorporate the teachings of Stephens into the system of Daniels in order to effectively provide an automated teaching on remotely located students/users.

As per claim 11, Daniels disclose a computer program system for establishing virtual consultant (virtual teacher), comprising the steps:

- (a) code segment that connects a server and one or more users (see col. 3, lines 15-40 and col. 4, lines 19-50 and col. 6, lines 37-64);
- (b) code segment that selects a first destination (class room 28) within the server to interact with one or more users (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50);

Art Unit: 2157

- (c) code segment that couples the one or more users through the server based on the first destination (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50);
and
- (d) code segment that establishes interaction parameters (providing support functions) for the one or users based on the selected destination (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50).

Daniels does not explicitly disclose: selecting a second destination to interact with the one or more users and modifying the interaction parameters for the one or more users in accordance with second destination

Stephen discloses an interactive multimedia system for enabling students, teachers and administrators to interactive including selecting a second destination and (i.e., student home to interact with the one or more users (see figs 10 and 11 and col. 17, lines 31 67). Therefore, it would have been obvious to having ordinary skill in art at the time of the invention to incorporate the teachings of Stephens into the system of Daniels in order to effectively provide an automated teaching on remotely located students/users.

In considering claim 12, Daniels disclose a computer program embodied on a computer-readable medium that establishes a virtual school class room as recited in claim 11, wherein the first and second destinations include locations such as reception area, library, an office or a lounge where users can interact using collaborative functions of the system (see fig. 4, element 26, 30 and 40).

In considering claim 13, Daniels disclose a computer program embodied on a computer-readable medium that establishes a virtual school class room as recited in claim 11, wherein the first and second destinations include locations such as reception area, library, an office or a lounge where users can interact using collaborative functions of the system (see fig. 4, element 26, 30 and 40).

In considering claim 14, Daniels disclose a computer program embodied on a computer-readable medium that establishes a virtual school class room as recited in claim 11, wherein the first and second destinations include locations such as reception area, library, an office or a lounge where users can interact using collaborative functions of the system (see fig. 4, element 26, 30 and 40).

In considering claim 15, Daniels disclose a computer program embodied on a computer-readable medium that establishes a virtual school class room as recited in claim 11, wherein the first and second destinations include locations such as reception area, library, an office or a lounge where users can interact using collaborative functions of the system (see fig. 4, element 26, 30 and 40).

In considering claim 16, Daniels disclose a computer program embodied on a computer-readable medium that establishes a virtual school class room as recited in claim 11, wherein interaction parameters include support for collaboration (see fig. 4, element 44).

In considering claim 17, Daniels disclose a computer program embodied on a computer-readable medium that establishes a virtual school class room as recited in claim 11, wherein, wherein interaction parameters include support for bulletin board function (see fig. 4, element 44).

In considering claim 18, Daniels disclose a computer program embodied on a computer-readable medium that establishes a virtual school class room as recited in claim 11, wherein interaction parameters include support for recording function (see fig. 4, element 52).

In considering claim 19, Daniels disclose a computer program embodied on a computer-readable medium that establishes a virtual school class room as recited in claim 11, wherein interaction parameters include support for recording functions and support for electronic distribution of consulting material (see fig. 4, element 44).

5. Claims 20-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels in view of Herz U.S. Patent No. 6,029,195[hereinafter Herz].

As per claim 20, Daniels disclose a method for providing one or more virtual instructors (virtual teacher), comprising the steps:

connecting a server and one or more users and first virtual instructor (first teacher) (see col. 3, lines 15-40 and col. 4, lines 19-50 and col. 6, lines 37-64);

Art Unit: 2157

selecting a destination (location, class room) within the server to interact with one or more users (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50);
coupling the one or more users through the server based on the selected destination see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50); and
establishing interaction parameters (providing support functions) for the one or users based on the selected destination (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50).

Daniels is silent regarding: dynamically adding second virtual instructor.

Herz discloses teacher load balancing system including dynamically adding second virtual instructor (second teacher) (see col. 94, lines 47-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the teaching of Herz into the system of Daniels such that more proficient teachers in math or reading can be assigned to teach less proficient students based needs of the students.

In considering claim 21, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor monitors progress and provides feedback (see col. 3, lines 29-31 and col. 6, lines 36-63 and col. 14, lines 37-64).

In considering claim 22, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor (second teacher) is selected by one more users (see col. 6, lines 36-63 and col. 14, lines 37-64).

In considering claim 23, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor becomes the principal (see col. 6, lines 36-63 and col. 14, lines 37-64).

In considering claim 24, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor works with the first instructor to instructor the one or more users (see col. 6, lines 36-63).

In considering claim 25, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor collaborates privately with the first instructor (see col. 6, lines 36-63).

In considering claim 26, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, wherein the second virtual instructor leads a breakout session with one or more users (see col. 13, lines 8-13).

In considering claim 27, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, the second virtual instructor is selected by the first virtual instructor (see col. 6, lines 36-63 and col. 14, lines 37-64).

In considering claim 28, Daniels disclose the method for providing one or more virtual instructors as recited in claim 20, the second virtual instructor the interaction parameters include support of for electronic distribution of materials from the second virtual instructor (see col. 6, lines 36-63 and col. 14, lines 37-64).

As per claim 29, Daniels disclose an apparatus for providing one or more virtual instructors (virtual teacher), comprising the steps:

logic that connects a server and one or more users and first virtual instructor (first teacher) (see col. 3, lines 15-40 and col. 4, lines 19-50 and col. 6, lines 37-64);

logic that selects a destination (location, class room) within the server to interact with one or more users (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50);

logic that couples the one or more users through the server based on the selected destination see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50); and

logic that establishes interaction parameters (providing support functions) for the one or users based on the selected destination (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50).

Daniels is silent regarding: dynamically adding second virtual instructor.

Art Unit: 2157

Herz discloses teacher load balancing system including dynamically adding second virtual instructor (second teacher) (see col. 94, lines 47-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the teaching of Herz into the system of Daniels such that more proficient teachers in math or reading can be assigned to teach less proficient students based needs of the students.

As per claim 30, Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors comprising the steps: a code that connects a server and one or more users and first virtual instructor (first teacher) (see col. 3, lines 15-40 and col. 6, lines 37-64); a code that selects a destination (location, class room) within the server to interact with one or more users (see fig. 4, and col. 3, lines 15-40); a code that couples the one or more users through the server based on the selected destination (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50); and a code that establishes interaction parameters (providing support functions) for the one or users based on the selected destination (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50).

Daniels is silent regarding: dynamically adding second virtual instructor.

Herz discloses teacher load balancing system including dynamically adding second virtual instructor (second teacher) (see col. 94, lines 47-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to

incorporate the teaching of Herz into the system of Daniels such that more proficient teachers in math or reading can be assigned to teach less proficient students based needs of the students.

In considering claim 31, Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors as recited in claim 20, wherein the second virtual instructor monitors progress and provides feedback (see col. 3, lines 29-31 and col. 6, lines 36-63 and col. 14, lines 37-64).

In considering claim 32 Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors as recited in claim 20, wherein the second virtual instructor (second teacher) is selected by one more users (see col. 6, lines 36-63 and col. 14, lines 37-64).

In considering claim 33, Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors as recited in claim 20, wherein the second virtual instructor becomes the principal (see col. 6, lines 36-63 and col. 14, lines 37-64).

In considering claim 34, Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors as recited in claim 20,

wherein the second virtual instructor works with the first instructor to instructor the one or more users (see col. 6, lines 36-63).

In considering claim 35, Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors as recited in claim 20, wherein the second virtual instructor collaborates privately with the first instructor (see col. 6, lines 36-63).

In considering claim 36, Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors as recited in claim 20, wherein the second virtual instructor leads a breakout session with one or more users (see col. 13, lines 8-13).

In considering claim 37, Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors as recited in claim 20, wherein the second virtual instructor is selected by the first virtual instructor (see col. 6, lines 36-63 and col. 14, lines 37-64).

In considering claim 38, Daniels disclose a computer program embodied on a computer-readable medium that provides one or more virtual instructors as recited in claim 20, wherein the second virtual instructor the interaction parameters include support of for

Art Unit: 2157

electronic distribution of materials from the second virtual instructor (see col. 6, lines 36-63 and col. 14, lines 37-64).

As per claims 58, Daniels et al disclose a method for establishing virtual class room (class room 28), comprising the steps:

connecting virtual classroom (fig. 4, element 28) and one or more users (see col. 3, lines 15-40 and col. 4, lines 19-50 and col. 6, lines 37-64);

selecting a presentation type within the classroom to interact with one or more users (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50);

coupling the one or more users through the server based on the selected destination see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50); and

establishing interaction parameters (providing support functions) for the one or users based on the selected destination (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50).

Daniels does not explicitly disclose selecting based on student profile.

Herz discloses teacher load balancing system including dynamically adding second virtual instructor (second teacher) (see col. 94, lines 47-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the teaching of Herz into the system of Daniels such that more proficient teachers in math or reading can be assigned to teach less proficient students based needs of the students.

In considering claim 59, Daniels disclose the method for establishing a virtual class room as recited in claim 58, wherein the presentation type includes at least one of media center (see fig. 4, element 22).

In considering claim 60, Daniels disclose the method for establishing a virtual class room as recited in claim 58, wherein the interaction parameters are a protocol that allow a plurality of people to interact with the system (see col. 3, 1-40).

In considering claim 61, Daniels disclose the method for establishing a virtual class room as recited in claim 58, wherein the interaction parameters are a protocol that allow a plurality of people to interact with the system (see col. 3, 1-40).

In considering claim 62, Daniels disclose the method for establishing a virtual class room as recited in claim 58, wherein material are provided for use by one or more students and one or more teachers in the virtual class room (see fig. 4 and col. 3, 1-40).

In considering claim 63, Daniels disclose the method for establishing a virtual class room as recited in claim 58, wherein homework material are provided for use by one or more students in the virtual class room (see col. 12, 1-23).

Art Unit: 2157

In considering claim 64, Daniels disclose the method for establishing a virtual class room as recited in claim 58, wherein tests are provided for use by one or more students (see col. 3, line 36).

In considering claim 65, Daniels disclose the method for establishing a virtual class room as recited in claim 58, wherein a breakout sessions are provided for the one more students and one or more teachers (see col. 13, lines 8-13).

In considering claim 66, Daniels disclose the method for establishing a virtual class room as recited in claim 58, wherein grades are distributed electronically (distributing grades electronically is inherent to Daniels system, see also fig. 18 and col. 10, 19-41).

As per claim 67, Daniels disclose an apparatus for establishing virtual classroom (classroom 28), comprising the steps:

logic that connects virtual classroom (fig. 4, element 28) and one or more users (see col. 3, lines 15-40 and col.4, lines 19-50 and col. 6, lines 37-64);

logic that selects a presentation type within the classroom to interact with one or more users (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50);

logic that couples the one or more users through the server based on the selected destination see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50); and

logic that establishes interaction parameters (providing support functions) for the one or users based on the selected destination (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50).

Daniels does not explicitly disclose selecting based on student profile.

Herz discloses teacher load balancing system including dynamically adding second virtual instructor (second teacher) (see col. 94, lines 47-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the teaching of Herz into the system of Daniels such that more proficient teachers in math or reading can be assigned to teach less proficient students based needs of the students.

As per claim 68, Daniels disclose a computer program embodied on a computer-readable medium for establishing a virtual classroom comprising the steps:
connecting virtual classroom (fig. 4, element 28) and one or more users (see col. 3, lines 15-40 and col. 4, lines 19-50 and col. 6, lines 37-64);
selecting a presentation type within the classroom to interact with one or more users (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50);
coupling the one or more users through the server based on the selected destination see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50); and
establishing interaction parameters (providing support functions) for the one or users based on the selected destination (see fig. 4, and col. 3, lines 15-40 and col. 4, lines 19-50).

Daniels does not explicitly disclose selecting based on student profile.

Herz discloses teacher load balancing system including dynamically adding second virtual instructor (second teacher) (see col. 94, lines 47-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the teaching of Herz into the system of Daniels such that more proficient teachers in math or reading can be assigned to teach less proficient students based needs of the students.

As per claim 69, Daniels disclose a computer program embodied on a computer-readable medium for establishing a virtual classroom as recited in claim 68, wherein the presentation type includes at least one of media center (see fig. 4, element 22).

As per claim 70, Daniels disclose a computer program embodied on a computer-readable medium for establishing a virtual classroom as recited in claim 68, wherein the interaction parameters are a protocol that allow a one person to interact with the system (see col. 3, 1-40).

As per claim 71, Daniels disclose a computer program embodied on a computer-readable medium for establishing a virtual classroom as recited in claim 68, wherein the interaction parameters are a protocol that allow a plurality of people to interact with the system (see col. 3, 1-40).

Art Unit: 2157

As per claim 72, Daniels disclose a computer program embodied on a computer-readable medium for establishing a virtual classroom as recited in claim 68, wherein material are provided for use by one or more students and one or more teachers in the virtual class room (see fig. 4 and col. 3, 1-40).

As per claim 73, Daniels disclose a computer program embodied on a computer-readable medium for establishing a virtual classroom as recited in claim 68, wherein homework material are provided for use by one or more students in the virtual class room (see col. 12, 1-23).

As per claim 74, Daniels disclose a computer program embodied on a computer-readable medium for establishing a virtual classroom as recited in claim 68, wherein tests are provided for use by one or more students (see col. 3, line 36).

As per claim 75, Daniels disclose a computer program embodied on a computer-readable medium for establishing a virtual classroom as recited in claim 68, wherein a breakout sessions are provided for the one more students and one or more teachers (see col. 13, lines 8-13).

As per claim 76, Daniels disclose a computer program embodied on a computer-readable medium for establishing a virtual classroom as recited in claim 68, wherein the

virtual classroom is recorded (see fig. 4, element 52, the multimedia material for recording material).

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

CONCLUSION

7. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can

Art Unit: 2157

be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdullahi Salad
Primary Examiner
2/4/2006


ABDULLAHI SALAD
PRIMARY EXAMINER